IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

TWENTY EIGHTH DAY OF JULY

TWO THOUSAND AND FIVE

PRESENT

**HON'BLE SRI JUSTICE V.V.S. RAO**

**WRIT PETITION No.20416 of 2003**

Between:

Sree Rama Talkies, Pulivendula,

Kadapa District. …Petitioner.

And

Government of Andhra Pradesh,

Ministry of Home & Cinematography,

Secretariat, Hyderabad and others. …Respondents.

COUNSEL FOR THE PETITIONERS : Mr. N. Sreedhar Reddy

COUNSEL FOR RESPONDENTS : G.P. for Home.

The Court made the following order :

**HON'BLE SRI JUSTICE V.V.S. RAO**

**WRIT PETITION No.20416 of 2003**

**ORDER :**

Sree Rama Talkies, Pulivendula village, Kadapa District filed the instant writ petition assailing the G.O.Rt.No.1013, Home (General.A) Department, dated 26-07-2003 on the ground that the Government did not issue any notice before passing the said order rejecting the appeal filed by the petitioner against the orders of the Joint Collector, Kadapa, dated 11-11-2002 whereby and whereunder the 'B' Form licence of the petitioner theatre was suspended on the allegation that the theatre was screening obscene films.

A reading of the impugned order would show that the Government called for the remarks of the Collector, Kadapa and after perusing the records, came to the conclusion that the petitioner contravened Condition No.12(12) of 'B' Form licence. It appears that the Government did not issue any notice before passing the impugned G.O.

The right conferred on a licensee to appeal under
Section 10(4) of Andhra Pradesh Cinemas (Regulation) Act, 1955 is a valuable right. If an appeal is dismissed or rejected by the Government without hearing the appellant, it would be an exercise in futility. If the suspension of the licence resulted in civil consequences and when a grievance is made about the same, there cannot be any proper redressal of this grievance without giving an opportunity to the petitioner. On this ground alone the writ petition is liable to be allowed.

Accordingly the writ petition is allowed. The impugned G.O.Rt.No.1013, dated 26-7-2003 is set aside and the matter is remitted to the Government with a direction to issue notice to the petitioner and dispose of the appeal within a period of eight weeks from the date of receipt of a copy of this order. No costs.

_____

(V.V.S. RAO, J.)

28-07-2005.

Msr.

**HON'BLE SRI JUSTICE V.V.S. RAO**

**WRIT PETITION No.20416 of 2003**

**28-07-2005**

**(Msr)**